

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEVIN B. DUFF, RECEIVER FOR THE ESTATE OF)
EQUITYBUILD INC., EQUITYBUILD FINANCE LLC)
(f/k/a HARD MONEY COMPANY LLC),)
1700 JUNEWAY LLC, 4533-37 S CALUMET LLC,)
5450 S INDIANA LLC, 6217-27 S DORCHESTER LLC,))
6437 S KENWOOD LLC, 7026 CORNELL, INC.,)
7109 S CALUMET LLC, 7749-59 S YATES LLC,)
7933 S KINGSTON AVE LLC, 8100 S ESSEX LLC,))
8104 S KINGSTON ASSOCIATES, 8529 S RHODES)
AVE LLC, CHICAGO CAPITAL FUND I LLC,))
CHICAGO CAPITAL FUND II LLC, EB SOUTH)
CHICAGO 1 LLC, EB SOUTH CHICAGO 2 LLC,)
EB SOUTH CHICAGO 3 LLC, EB SOUTH CHICAGO 4)
LLC, HYBRID CAPITAL FUND LLC,)
SOUTH SIDE DEVELOPMENT FUND 1 LLC,)
SOUTH SIDE DEVELOPMENT FUND 2 LLC,)
SOUTH SIDE DEVELOPMENT FUND 3 LLC,)
SOUTH SIDE DEVELOPMENT FUND 4 LLC,)
SOUTH SIDE DEVELOPMENT FUND 5 LLC,)
SOUTH SIDE DEVELOPMENT FUND 6 LLC,)
SOUTH SIDE DEVELOPMENT FUND 7 LLC,)
SOUTH SIDE DEVELOPMENT FUND 8 LLC,)
SSDF1 4520 S DREXEL LLC, SSDF1 4611 S DREXEL)
LLC, SSDF1 6751 S MERRILL LLC, SSDF1 7110 S)
CORNELL LLC, SSDF2 1139 E 79TH LLC, SSDF4 638)
N AVERS LLC, SSDF4 6217 S DORCHESTER LLC,))
SSDF4 6250 S MOZART LLC, SSDF4 7024 S PAXTON)
LLC, SSDF4 7255 S EUCLID LLC, SSDF5 PORTFOLIO)
1 LLC, SSDF6 6160 S MLK LLC, SSDF7 PORTFOLIO 1)
LLC, SSPH 6951 S MERRILL LLC, SSPH 7927-49 S)
ESSEX LLC, SSPH 11117 S LONGWOOD LLC,)
SSPH PORTFOLIO 1 LLC,)

Plaintiff,

v.

MARK L. ROSENBERG and)
LAW OFFICES OF MARK L. ROSENBERG,)

Defendants.

Case No. 1:21-cv-06756

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

Defendants Mark L. Rosenberg and the Law Offices of Mark K. Rosenberg (“Defendants”), by and through their attorneys of Gordon & Rees, LLP, respectfully submit the following as their Answer to Plaintiff’s Complaint:

1. Pursuant to Rule 8(b)(3) of the Federal Rules of Civil Procedure, Defendants generally deny each and every allegation contained in the Complaint except those expressly admitted below.

2. Defendants admit the allegations in paragraph 2, 3, 7, 8, 72, and 73 of the Complaint.

3. Defendant Mark Rosenberg admits the allegation in paragraph 46 of the Complaint, relative only to the engagement agreement as Exhibit 3.

PRAYER FOR RELIEF

Defendants deny that Plaintiff is entitled to any of the items set forth in the prayer for relief.

AFFIRMATIVE DEFENSES

1. Plaintiff’s claims are barred by the statute of limitations.
2. Plaintiff lacks standing bring Count II.
3. Plaintiff’s claims are barred by the doctrines of equitable estoppel and judicial estoppel.
4. One or more of Plaintiff’s claims fails to state a claim upon which relief may be granted.

WHEREFORE, Defendants pray as follows:

1. Plaintiff takes nothing by way of the Complaint and that this action is dismissed

in its entirety;

2. For Defendants' attorney's fees and costs incurred herein;
3. For such other relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Defendants demand a trial by jury in this action.

Dated: December 20, 2021

Respectfully submitted,

By: /s/ Ryan T. Brown

*Attorney for Defendants Mark L. Rosenberg
and the Law Offices of Mark L. Rosenberg*

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2021, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record, and sent a copy of the foregoing document via email and via first class mail, postage prepaid, addressed to:

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Dated: December 20, 2021

Respectfully submitted,

By: /s/ Ryan T. Brown

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